

AMENDED IN SENATE JULY 15, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 7, 2003

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1453

Introduced by Assembly Members Parra, Berg, and Daucher

February 21, 2003

An act to add and repeal Section 12803.3 of the Government Code, relating to long-term care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1453, as amended, Parra. Long-term care: ~~resources~~.

Existing law establishes a variety of programs relating to long-term care services, including the licensure and regulation of community care facilities and residential care facilities for the elderly by the State Department of Social Services, the licensure of skilled nursing facilities by the State Department of Health Services, and the provision of in-home and community-based services.

This bill would require the California Health and Human Services Agency to ~~submit to the Legislature, by January 1, 2005, a report containing, among other things, recommendations regarding the application of a “Money Follows the Individual” program that would provide resources for individuals in need of long-term care to exercise choice in determining the type of long-term care setting that best fits their needs, to reside in the community, rather than in institutions, and~~

~~to receive community-based services~~ incorporate specified research results into the “Money Follows the Individual” portion of the April 1, 2005, version of the annual Olmstead Plan update, which plan describes the actions that the state can take to improve its long-term care system so that its residents have available an array of community care options that allow them to avoid unnecessary institutionalization. The bill would make these provisions inoperative as of July 1, 2005, and would repeal the provisions as of January 1, 2006.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) In April 2003, the California Health and Human Services
4 Agency submitted its Olmstead Plan that describes the actions that
5 California can take to improve its long-term care system so that its
6 residents have available an array of community care options that
7 allow them to avoid unnecessary institutionalization.

8 (b) One component of California’s Olmstead Plan is a policy
9 goal to develop a “Money Follows the Individual” model to
10 provide resources for individuals to live in the community, rather
11 than in an institution.

12 (c) Texas and other states have adopted a “Money Follows the
13 Individual” model, which provides purchasing credits for
14 individuals currently residing in nursing facilities in order to give
15 them the choice to move to community-based facilities, including
16 residential care facilities for the elderly, and to receive
17 community-based services.

18 (d) Through the use of purchasing credits, consumers are able
19 to exercise choice in determining which setting best fits their
20 needs.

21 SEC. 2. It is the intent of the Legislature to enact legislation
22 to do both of the following:

23 (a) Require the development of options that would allow
24 seniors and persons with disabilities maximum choice in
25 determining their living arrangements, including the choice to
26 remain in the least restrictive and most homelike environment as
27 they age or become frail, in response to the decision of the United

1 States Supreme Court in *Olmstead v. L. C.* by Zimring (1999) 527
2 U.S. 581.

3 (b) Ensure that seniors and persons with disabilities have
4 access to appropriate health care and personal assistance,
5 regardless of their income level, health status, or choice of housing
6 arrangement.

7 ~~SEC. 3. (a) By January 1, 2005, the California Health and~~
8 ~~Human Services Agency shall submit to the Legislature a report~~
9 ~~containing recommendations regarding the application of a~~
10 ~~“Money Follows the Individual” program that would provide~~
11 ~~resources for individuals in need of long-term care in order to~~
12 ~~exercise choice in determining the type of long-term care setting~~
13 ~~that best fits their needs, to reside in the community, rather than in~~
14 ~~institutions, and to receive community-based services.~~

15 ~~(b) The report specified in subdivision (a) shall be included as~~
16 ~~a chapter in the update to the Olmstead Plan required by Section~~
17 ~~96 of Chapter 1161 of the Statutes of 2002, and shall include all~~
18 ~~of the following:~~

19 *SEC. 3. Section 12803.3 is added to the Government Code, to*
20 *read:*

21 *12803.3. (a) California Health and Human Services Agency*
22 *shall incorporate the following research results into the “Money*
23 *Follows the Individual” portion of the April 1, 2005, version of the*
24 *annual Olmstead Plan update:*

25 (1) A review of the experiences of other states that have
26 administered a “Money Follows the Individual” program.

27 (2) A review of the need for federal waivers and the timeline
28 for submitting these waivers.

29 (3) A review of payment options available to residents of
30 skilled nursing facilities.

31 (4) An estimate of the number of individuals that may be
32 eligible for a “Money Follows the Individual” program and the
33 potential savings to the state if this type of program was
34 implemented.

35 (5) *A review of the methods that can be used to ensure that*
36 *individuals who decide to transfer into a more independent living*
37 *environment will receive an adequate level and quality of care.*

38 (b) *This section shall become inoperative on July, 1, 2005, and,*
39 *as of January 1, 2006, is repealed, unless a later enacted statute,*

- 1 *that becomes operative on or before January 1, 2006, deletes or*
- 2 *extends the dates on which it becomes inoperative and is repealed.*

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